

REMARKS

In the Final Office Action dated May 10, 2007 (the "Final Office Action"), claims 1-8 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,418,419 ("Nieboer"). The undersigned has reviewed the May 10, 2007 Final Office Action and respectfully traverses all rejections for the reasons set forth herein.

With respect to independent claim 1, the Examiner has stated:

The examiner recommends that if the applicant believes this is substantially different they submit an RCE with amended claims defining the "pricing volatility model" of the applicant in further detail as to differentiate it from the prior art.
Final Office Action, pg. 5.

And:

The examiner would like to iterate that the spec may have material that in its broadest reasonable interpretation is patentably distinct from the prior art referenced.

The Examiner would recommend the applicant submit an RCE and amend the claim to further specify these differences. In particular the more detail and definition of the "pricing volatility model" spelled out in the claim - how it is calculated and used may help to put this case in condition for allowance.

The examiner would be supportive of having an interview after an RCE and amended claims with additional clarity on "pricing volatility model" is added.
Final Office Action, pg. 5-6.

Applicants respectfully submit that while Applicants sustain the arguments presented in the Response to the prior Office Action filed on October 4, 2006, Applicants thank the Examiner for the suggestion to submit an RCE with amended claims. Applicants have hereby amended claim 1 to provide claim language that may be considered to be more suitable to define the invention. The rejection of claim 1 is therefore moot. Applicants respectfully submit that at least independent claim 1 is distinguishable over Nieboer and notice to the effect that the pending independent claim is in condition for immediate allowance is respectfully requested. Applicants further request that if upon review of the present claim amendments, the Examiner is

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unable to issue an immediate notice of allowance, she is respectfully requested to telephone the undersigned attorney.

Claims 3 and 7 have been canceled. Claims 2, 4-6 and 8 have been further amended. Claims 13-19 have been added. Claims 2, 4-6, 8 and 13-18 depend directly or indirectly from claim 1 and define further features and steps of the method. Accordingly, these claims are patentable for at least the reasons noted above with respect to claims 1 as well as for the additional features recited therein. Notice to the effect that dependent claims 2, 4-6, 8 and 13-18 are in condition for immediate allowance is respectfully requested. Independent claim 19 has been added. Notice to the effect that independent claim 19 is in condition for immediate allowance is respectfully requested.

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CONCLUSION


For the foregoing reasons, allowance of this application is courteously urged.

Claims 1, 2, 4-6 and 8 have been amended. Claims 3 and 7 have been canceled. Claims 13-19 have been added. Claims 1-2, 4-6, 8 and 13-19 are now pending and believed to be in condition for allowance. Applicants have made a diligent effort to place this application in better condition for immediate allowance and notice to this effect is earnestly solicited. The Examiner is respectfully requested to reconsider the application at an early date with a view towards issuing a favorable action thereon. If upon the review of the application, the Examiner is unable to issue an immediate notice of allowance, he is respectfully requested to telephone the undersigned attorney at (212) 895-1376 with a view towards resolving the outstanding issues.

The Commissioner is authorized to charge and fees required in connection with this submission to Deposit Account No. 50-0521.

Respectfully submitted,

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